

29.05.2025

Present: None for the plaintiff.

Defendant no.1 with her counsel Ms. Priya.

Today the case is fixed for order on the application filed on behalf of defendant Smt. Asha u/s 151 CPC dated 13.12.2024. Vide this application, it is stated on behalf of the defendants that since this court has already passed a preliminary decree of partition of the suit property bearing No. house no.1, Panaudyman, Narela, Delhi-40 measuring 163.20 Sq. Yds consisting of ground floor with 6 shops and first floor with rooms, whereby the defendants have been held entitled to 1/5 share in the suit property. As such, the rent of one of the shop which is rented out by the plaintiffs for a sum of Rs.6000/-, half of it may be awarded to the defendants till the partition is effected actually either by metes and bounds or otherwise.

No reply to this application has been filed on behalf of the plaintiffs. Ld. Counsels for the plaintiffs have addressed argument on this application on dated 26.03.2025.

This court vide judgment dated 17.05.2024 has already passed a preliminary decree of partition in respect of the suit property bearing house No.1, Panaudyman, Narela, Delhi-40 measuring 163.20 Sq. Yds consisting of ground floor with 6 shops and first floor with rooms. By way of the preliminary decree dated 17.05.2024, the parties to the present suit have been declared entitled to 1/5 share in the suit property, as per the site plan attached with the plaint filed on dated 03.06.2011.

Since no reply to the present application has been filed on behalf of the plaintiffs, it has remained un-controverted and unchallenged that the plaintiffs are not getting rent of Rs. 6000/- from one of the shop rented out by the plaintiffs and that the defendants are not entitled to half of the said rent i.e. Rs.3000/- per month. In view of this position and in view of the preliminary decree passed by this court on dated 17.05.2024, the defendants are entitled for rent of Rs. 3000/- per month from the plaintiffs from the date of filing of the present application @ 3000/- per month and the defendants shall keep on receiving the said sum of Rs. 3000/- till the suit property is actually and finally partitioned by metes and bounds or otherwise, as the case may be.

In view of the above, the present application stands allowed.

Put up the case for argument on passing the final decree of partition on **26.08.2025**

(Kishor Kumar)
DJ-04, North, Rohini Courts,
Delhi/29.05.2025